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In re Application of	:	
BLACH VIZOSO, Ricardo	:	DECISION ON
Int. Application: PCT/ES99/00278	:	
Application No.: 10/048,141	:	
Int. Filing Date: 27 August 1999	:	REQUEST UNDER
Priority Date: 22 July 1999	:	
Attorney's Docket No.: A34948-PCT-USA	:	37 CFR 1.497(d)
For: FLUID COMPOSITION FOR PRODUCING	:	
AND REPAIRING ION EXCHANGE MEMBRANES	:	

This is a decision on applicant's "PETITION FOR CORRECTION OF INVENTORSHIP PURSUANT TO 37 C.F.R. 1.497(d)" filed on 10 June 2003, requesting to delete inventors, SERGEY, Timoteev; LYUBOV, Bobrova; and FATEEV Vladimir in the executed declaration.

BACKGROUND

On 27 August 1999, applicants filed international application No. PCT/ES99/00278 designating the United States and claiming a priority date of 22 July 1999. A Demand was filed in this international application on 22 February 2001. Accordingly, the deadline for entry into the national stage by paying the basic national fee in the U.S. expired as of midnight of 22 January 2002.

On 22 January 2002, applicants filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, inter alia, the requisite basic national fee. No executed oath or declaration was filed at such time.

On 09 April 2002, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.47(a) and (b), identifying the application by International application number and international filing date" must be submitted within two months from its 09 April 2002 date of mailing or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 15 July 2002, applicants filed a "RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS," which included an executed declaration. The declaration was signed by only one inventor Ricardo Blach Vizoso.

On 29 July 2002, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF DEFECTIVE RESPONSE" (Form PCT/DO/EO/916) .

On 10 June 2003, applicants filed a "RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS," which included, *inter alia*, a statement under 37 CFR.1.497(d) deleting SERGEY, Timoteev; LYUBOV, Bobrova; and FATEEV Vladimir originally listed in the PCT application.

DISCUSSION

A submission under 37 CFR 1.497(d) must include:

- (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;
- (2) the fee set forth in § 1.17(I); and
- (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see 37 CFR §3.73(b) of this chapter).

A review of the application file reveals that applicants have satisfied items (1) - (3) under 37 CFR 1.497(d).

With respect to item (1), the statements submitted on 10 June 2003 by SERGEY, Timoteev; LYUBOV, Bobrova; and FATEEV Vladimir are sufficient because the statements state that the error in inventorship occurred without a deceptive intent.

With respect to item (2), the processing fee of \$130.00 has been charged to Deposit Account 02-4377.


With respect to item (3), DAVID FUEL CELL COMPONENTS, S.L., the assignee, consents to the correction of inventorship to the above application and it has filed in the requisite papers establishing their right to take action under 37 CFR §3.73(b).

Accordingly, the requests are deemed to satisfy requirements (1), (2), and (3) under 37 CFR 1.497(d).


CONCLUSION

For the reasons above, the request under 37 CFR 1.497(d) is GRANTED.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing consistent with this decision. The 35 USC 371 date of this application is **15 JULY 2002**.



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